
Judiciary Committee

HB 1555

Title: An act relating to sexual assault protection orders.

Brief Description: Addressing sexual assault protection orders.

Sponsors: Representatives Williams, Rodne, Lantz, Chase and Ericks.

Brief Summary of Bill

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| <ul style="list-style-type: none">• Explicitly states that a sexual assault protection order is a remedy for victims who do not qualify for a domestic violence protection order; and• Removes language pertaining to a respondent appearing at a hearing for an ex parte temporary order and removes a statement that was required to be in the ex parte temporary order. |
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Hearing Date: 1/30/07

Staff: Trudes Tango (786-7384).

Background:

Last year, the Legislature established a new civil protection order called the sexual assault protection order. Any person who is a victim of nonconsensual sexual conduct or penetration that gives rise to a reasonable fear of future dangerous acts may file a petition for a sexual assault protection order.

Under certain circumstances, a court may issue an ex parte temporary order upon the filing of the petition. An ex parte temporary order is issued without prior notice to the other party and is effective for 14 days.

The court must order a hearing to be held no later than 14 days of issuing the ex parte order. The respondent must be personally served with a copy of the temporary order and notice of the hearing. The local sheriff or law enforcement agency will serve the respondent unless the petitioner elects to use a private party.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Temporary and final sexual assault protection orders must describe in detail what the respondent is refrained from doing and must contain other specific information. The order must also contain a statement that if the order is an ex parte temporary order, the respondent may reopen the order if he or she did not receive actual prior notice of the hearing and the respondent alleges that he or she had a meritorious defense or that the order is not authorized by law.

Either party may file a motion to modify or terminate a sexual assault protection order before the order expires.

No filing fees may be charged for sexual assault protection order proceedings and certified copies must be provided free of charge. Currently, there is no prohibition against the sheriff or law enforcement agency charging the petitioner a fee for service of process.

A domestic violence protection order is a civil remedy when there has been domestic violence between family or household members. Family or household members includes current and former spouses, persons who have a child in common, adults who have in the past or are currently residing together, persons 16 years of age or older who have in the past or currently have a dating relationship with a person 16 years of age or older, persons who have a biological or legal parent/child relationship, including stepparents, stepchildren, grandparents, and grandchildren.

Summary of Bill:

Language is added to explicitly state that a sexual assault protection order is a remedy for victims who do not qualify for a domestic violence protection order.

A sexual assault protection order no longer needs to contain the statement regarding a respondent to an ex parte order reopening the order. Language stating that a respondent who appears in court for an ex parte temporary order may file a general appearance and testify is removed.

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under a sexual assault protection order.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.